

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

Mr. Vidal J. Martin #200868263  
(full name) (Register No.)

Plaintiff(s).

**10-0332-CV-W-HFS-PR**

Case No. \_\_\_\_\_

v.

Blue Springs, MO Police Dept  
Det. Martin Kreissler (239)  
(Full name)

Defendant(s).

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): JACKSON County Detention  
Center 1300 Cherry KANSAS City MO 64106

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Mr. Vidal J. Martin Register No. 200868263  
Address 1300 Cherry  
KANSAS City, MO 64106

B. Defendant Det. Martin Kreissler (239)  
Is employed as Detective for The Blue Springs  
Police Dept

For additional plaintiffs or defendants, provide above information in same format on a separate page.

III. Do your claims involve medical treatment? Yes \_\_\_\_\_ No \_\_\_\_\_

IV. Do you request a jury trial? Yes X No \_\_\_\_\_

V. Do you request money damages? Yes X No \_\_\_\_\_

State the amount claimed? \$ 50,000.00 ~~50,000.00~~ (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No \_\_\_\_\_

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

N/A Yes \_\_\_\_\_ No \_\_\_\_\_

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

N/A Yes \_\_\_\_\_ No \_\_\_\_\_

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

N/A

D. If you have not filed a grievance, state the reasons.

N/A

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes \_\_\_\_\_ No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes \_\_\_\_\_ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) (Defendant)

(2) Date filed: \_\_\_\_\_

- (3) Court where filed: \_\_\_\_\_
- (4) Case Number and citation: \_\_\_\_\_
- (5) Basic claim made: \_\_\_\_\_
- (6) Date of disposition: \_\_\_\_\_
- (7) Disposition: \_\_\_\_\_  
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: \_\_\_\_\_  
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

On 7-10-08 the plaintiff was arrested after being indicted for (1) Murder 2<sup>nd</sup> Degree (2) Abuse of Child resulting in death, of the deceased who passed away 2-11-2006. The plaintiff avers malicious prosecution based on the defendant's failure to consider and accept potentially exculpatory information provided by the Deputy Medical Examiner, Thomas H. Gill, who performed the autopsy on the deceased and concluded that the cause of the victim's death was "Sequela

See Attached sheet

- B. State briefly your legal theory or cite appropriate authority:

To establish a federal malicious prosecution claim under § 1983, a plaintiff must prove (1) the elements of the common law tort of malicious prosecution, and (2) a violation of his Fourth Amendment right to be free from unreasonable seizures. *Wood v. Kesler*, 323 F.3d 872, 881 (11<sup>th</sup> Cir. 2003), cert. denied - U.S. - 124 S.Ct. 298, 157 L.Ed.2d 143 (2003) See, eg., *Mejia v. City of New York*, 119 F.Supp.2d 232, 254 (E.D.N.Y. 2000)

Facts supporting statement of claim (cont)  
of anoxic/ischemic encephalopathy associated with bilateral subdural hemorrhage," and the manner of death was "undetermined" also Doctor Thomas Gill also stated "The gross autopsy is also remarkable for no evidence of blunt force trauma or any other form of foul play." Thus eliminating any prosecution for a criminal charge. The plaintiff's arrest is warrantless and the result of the defendant's refusal to investigate the deceased death impartially. Due to the detective's improper presentation, the prosecution was presented with false and misleading information. The plaintiff avers that criminal prosecution is a natural consequence of the defendant's deceptive manipulation of potentially exculpatory information given by Doctor Thomas H. Gill.

The plaintiff is suing the defendant in his individual and official capacity.

The plaintiff pray this Honorable Court will heed 28 § U.S.C § 1331 and § 1343(a)(3) that gives the Federal district Courts jurisdiction over § 1983 Cases.

Thank you

- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

Set this matter before a jury and the  
Courts in junction to dismiss charges  
in light of Doctor's Thomas H. Gill report

- XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. pro-se

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes \_\_\_ No ✓

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Have you previously had a lawyer representing you in a civil action in this court? Yes \_\_\_ No ✓

If your answer is "Yes," state the name and address of the lawyer.

\_\_\_\_\_  
\_\_\_\_\_

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed (signed) this 24<sup>th</sup> day of March 2010

Vidal Martin  
Signature(s) of Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_

Mr. Vidal J. Martin 7-3-8  
1300 Cherry  
Kansas City, MO 64106

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